

October 2, 2020

Via Electronic Filing

The Honorable Jocelyn Boyd
The Public Service Commission of South Carolina
101 Executive Drive, Suite 100
Columbia, SC 29210

Re: **Comments by Johnson Development Associates, Inc. and the South Carolina Solar Business Alliance, Inc. as to Proposed Regulation 103-811.5 on the Role of the Qualified Independent Third-Party Expert and the Reliance by the Commission on the Final Report Issued by the Qualified Independent Third-Party Expert -- (Docket 2019-362-A)**

Dear Ms. Boyd:

On August 14, 2020, the Public Service Commission of South Carolina filed an updated notice (the "Notice") setting forth a draft proposed regulation 103-811.5 concerning the role of third-party consulting experts engaged by the Commission to assist in matters pending before it, as provided under S.C. Code Ann. Section 58-41-20(I), and to further address how the Commission may use any report provided by such consulting experts. Pursuant to the Notice's invitation for comment, Johnson Development Associates, Inc. ("JDA") and the South Carolina Solar Business Alliance, Inc. ("SCSBA") through their undersigned counsel, hereby renew and reiterate their previously submitted comments in the subject rulemaking and further submit the following additional comments herein, all in full support of the Commission's promulgation of regulation 103-811.5 as proposed in the Notice.

As background, the matter of a proposed regulation to deal with Commission use of third-party consultants began with the Notice of Drafting filed on November 25, 2019 in Commission Docket No. 2019-362-A. In response, JDA and SCSBA timely submitted joint comments on February 13, 2020 discussing how the Commission might design a third-party consultant rule that would most closely align with both the explicit text of Sec. 58-41-20(I) as well as the overall legislative intent informing the South Carolina Legislature's Act No. 62 of 2019 ("Act 62").

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Among other considerations, JDA and SCSBA observed that any expert regulation, to be consistent with the foregoing authorities, must bind such expert to the same *ex parte* prohibitions which control Commission staff. Moreover, any proposed regulation must provide that the consulting expert is to conduct his own independent analysis and modeling of data, rather than relying on utility company inputs. Consistent with these and other comments, JDA and SCSBA provided proposed language for the Commission's consideration.

Reviewing the Notice and draft proposed regulation 103-811.5 therein, the Commission, having adopted portions of JDA's and SCSBA's proposed language almost verbatim, seriously considered and undertook to incorporate JDA's/SCSBA's previous comments. As such, JDA and SCSBA fully support the Commission's promulgation of the regulation as proposed in the Notice.

JDA and SCSBA very much appreciate the Commission's thoughtful work and consideration of this significant matter. JDA and SCSBA look forward to further explaining their support of the regulation language as currently proposed at the Commission's upcoming hearing on November 4, 2020.

Please let us know if any further information is needed, or if we can be of further assistance to the Commission in this matter.

Very truly yours,

/s/ Weston Adams, III

Weston Adams, III

Counsel for Johnson Development Associates,
Inc.

/s/ Richard L. Whitt

Richard L. Whitt

Whitt Law Firm, LLC

Counsel for the South Carolina Solar Business
Alliance, Inc.

Cc: All parties of record